

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

EDDIE D. WALKER,

Plaintiff,

ORDER

v.

13-cv-471-wmc

DR. STONE, *et al.*,

Defendants.

On July 2, 2013, the court received a proposed civil complaint pursuant to 42 U.S.C. § 1983 from state inmate Eddie D. Walker, concerning the conditions of his confinement at the Kenosha County Jail. On July 8, 2013, the court ordered him to either pay the filing fee or submit a certified copy of his inmate trust fund account for the previous six months on or before July 29, 2013, in compliance with the Prison Litigation Reform Act ("PLRA"), 28 U.S.C. § 1915(a)(2).

Walker, who is presently incarcerated in the Waupun Correctional Institution, has not complied with the July 8 order as directed. Instead, he advises the court that his proposed complaint was not intended to open a new civil action. (Dkt. # 3). Walker explains that the proposed complaint is intended to "supplement" an original pleading in another case filed previously in the Eastern District of Wisconsin. *See Eddie D. Walker v. Kenosha County Jail, et al.*, No. 12-cv-141. Walker reasons, therefore, that he should not have to pay "another filing fee" for supplementing his complaint in that case.

Although Walker sends mixed signals about where he wants to litigate his claims, he clearly wishes to proceed with the complaint that he filed in Case No. 12-cv-141 in the Eastern District of Wisconsin, where the action was properly filed. *See* 28 U.S.C. §§ 130(a), 1391(b). Because the Eastern District has already screened the pleadings in that case as required by the PLRA, 28 U.S.C. § 1915A, it would be inappropriate for this court to assume jurisdiction and adjudicate the same subject matter. Accordingly, the court will close this case and transfer a copy of the proposed supplemental complaint to the Eastern District of Wisconsin.

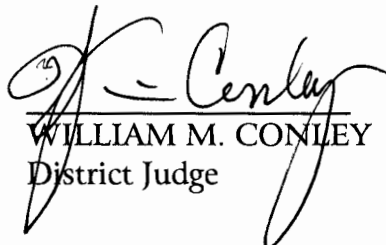
ORDER

IT IS ORDERED that:

1. The complaint filed by plaintiff Eddie D. Walker is DISMISSED without prejudice to consideration in *Eddie D. Walker v. Kenosha County Jail, et al.*, No. 12-cv-141 (E.D. Wis.).
2. The clerk's office will send a copy of this order along with a copy of Walker's proposed supplemental complaint (Dkt. # 1) to the Clerk of Court for the Eastern District of Wisconsin.

Entered this 30th day of July, 2013.

BY THE COURT:


WILLIAM M. CONLEY
District Judge